

Michael D. Johnson 043908
Name and Prisoner/Booking Number

Place of Confinement

1230 W. Hadley St APT. 111

Mailing Address

Phx AZ. 85007

City, State, Zip Code

(Failure to notify the Court of your change of address may result in dismissal of this action.)

<input checked="" type="checkbox"/> FILED	<input type="checkbox"/> RECEIVED	<input type="checkbox"/> LODGED
<input type="checkbox"/> COPY		
JUL 24 2019		
CLERK U.S. DISTRICT COURT		
DISTRICT OF ARIZONA		
BY <u>DMF</u>	DEPUTY	

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Michael Dewayne Johnson,
(Full Name of Plaintiff)

Plaintiff,

v.

(1) David Snow,
(Full Name of Defendant)

(2) Joshua R. Mesita,

(3) Maryann McKessy,

(4) Michael K. Jeans,

Defendant(s).

Check if there are additional Defendants and attach page 1-A listing them.

CASE NO. CV-19-04802-PHX-DLR--DMF

(To be supplied by the Clerk)

**CIVIL RIGHTS COMPLAINT
BY A PRISONER**

- Original Complaint
 First Amended Complaint
 Second Amended Complaint

A. JURISDICTION

1. This Court has jurisdiction over this action pursuant to:

28 U.S.C. § 1343(a); 42 U.S.C. § 1983

28 U.S.C. § 1331; *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971).

Other: _____.

2. Institution/city where violation occurred: Phx AZ / Maricopa county courts.

B. DEFENDANTS

1. Name of first Defendant: David Snow The first Defendant is employed
as: Phoenix Gang Unit Detective at South Mountain Precinct
(Position and Title) (Institution)
2. Name of second Defendant: Joshua A. Mesquita. The second Defendant is employed as:
as: Phoenix Gang Unit Detective at South Mountain Precinct
(Position and Title) (Institution)
3. Name of third Defendant: Maryann McKessy. The third Defendant is employed
as: Deputy County Attorney at Maricopa County Attorney Office
(Position and Title) (Institution)
4. Name of fourth Defendant: Michael K. Jeans. The fourth Defendant is employed
as: Clerk of the Court at Maricopa County Superior Court.
(Position and Title) (Institution)

If you name more than four Defendants, answer the questions listed above for each additional Defendant on a separate page.

C. PREVIOUS LAWSUITS

1. Have you filed any other lawsuits while you were a prisoner? Yes No
2. If yes, how many lawsuits have you filed? 1. Describe the previous lawsuits:
- a. First prior lawsuit:
1. Parties: Michael D. Johnson v. State of Arizona
 2. Court and case number: N/A
 3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) case dismissed in mid to late 90's procedural Rule violation (my part)
- b. Second prior lawsuit:
1. Parties: _____ v. _____
 2. Court and case number: _____
 3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) _____
- c. Third prior lawsuit:
1. Parties: _____ v. _____
 2. Court and case number: _____
 3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) _____

If you filed more than three lawsuits, answer the questions listed above for each additional lawsuit on a separate page.

Continued from pg. (1)

1. Defendants
- 2.
3. 5. Brian Kaiser
- 4.
5. 6. Robert Duffy
- 6.
7. 7. Paul Vollmer
- 8.
9. 8. Joan M. Sinclair
- 10.
11. 9. Brittany Lamb
- 12.
13. 10. Jacob Brown
- 14.
15. 11. Adena J. Astrowsky
- 16.
17. 12. Michael K. Jeans
- 18.
- 19.
- 20.
- 21.
- 22.
- 23.
- 24.
- 25.
- 26.
27. Pg. 1-A

continued from pg.(2)

- 1.
2. Name of fifth defendant: Brian Kaiser; The fifth defendant is employed as Judge Pro Tempore, Commissioner at Maricopa County Superior Court.
Position and title Institution
- 3.
- 4.
- 5.
6. name of sixth defendant: Robert Duffy; The sixth defendant is employed as Deputy County Attorney at Maricopa County Attorney's Office.
Position and title Institution
- 7.
- 8.
9. Name of seventh defendant: Paul Vollmer; The seventh defendant is employed as Maricopa County Attorney at Maricopa County Attorney Office.
Position and title Institution
- 10.
- 11.
12. Name of eighth defendant: Judge Joan M. Sinclair; The eighth defendant is employed as Superior Court Judge at Maricopa County Superior Court.
Position and title Institution
- 13.
- 14.
15. Name of ninth defendant: Brittany Lamb. The ninth defendant is employed as Attorney Public Defender at Maricopa County Attorney's Office.
Position and title Institution
- 16.
- 17.
18. Name of tenth defendant: Jacob Brown. The Tenth defendant is employed as Deputy County Attorney at Maricopa County Attorney office.
Position and title
- 19.
- 20.
21. Name of eleventh defendant: Adena J. Astrowsky. eleventy defendant is employed as Deputy County Attorney at Maricopa County Attorney office.
Position and title Institution
- 22.
- 23.
24. Name of twelfth defendant: Michael K Jeans. defendant employed as Clerk of the Court at Maricopa County Superior Court.
Position and title Institution
- 25.
- 26.
- 27.

D. CAUSE OF ACTION**COUNT I**

1. State the constitutional or other federal civil right that was violated: 4th Amendment of the United States Constitution.
2. **Count I.** Identify the issue involved. Check **only one**. State additional issues in separate counts.
- | | | | |
|--|---|---|---------------------------------------|
| <input type="checkbox"/> Basic necessities | <input type="checkbox"/> Mail | <input type="checkbox"/> Access to the court | <input type="checkbox"/> Medical care |
| <input type="checkbox"/> Disciplinary proceedings | <input type="checkbox"/> Property | <input type="checkbox"/> Exercise of religion | <input type="checkbox"/> Retaliation |
| <input type="checkbox"/> Excessive force by an officer | <input type="checkbox"/> Threat to safety | <input checked="" type="checkbox"/> Other: <u>Illegal seizure</u> | |

3. **Supporting Facts.** State as briefly as possible the FACTS supporting Count I. Describe exactly what each Defendant did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

AT all material Times, and upon information and belief, herein defendants Detective David Shaw and Detective Joshua R. Mesquita, conduct and action or lack thereof, did deprive the plaintiff of rights, privileges and immunities, guaranteed by state and federal law, and state and federal constitution, by committing a pre-textual traffic stop, in order to search, for a crime. Alleging the driver of the vehicle, Mr. Kenneth Swindle, was speeding. The vehicle was in the plaintiff's care, who was a passenger, in the vehicle at the time. Their conduct and action or lack thereof in stopping and seizing the vehicle and the plaintiff was in violation of the 4th Amendment of the United States Constitution, illegal search and seizure. Their conduct and action or lack thereof occurred under color of state law. The defendants are sued in their individual and official capacity. The illegal seizure occurred Nov, 11th 2015 at 16:40 hours

4. **Injury.** State how you were injured by the actions or inactions of the Defendant(s).

plaintiff was seized, arrested and jailed and imprisoned for 2.5 yrs suffering physical and emotional pain and stress lost of time and events with family and love ones

5. **Administrative Remedies:**

- a. Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? Yes No
- b. Did you submit a request for administrative relief on Count I? Yes No
- c. Did you appeal your request for relief on Count I to the highest level? Yes No
- d. If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. was released from prison two days after Rule 32 (post conviction for relief) no other remedies after release

COUNT II

1. State the constitutional or other federal civil right that was violated: 14th Amendment of the United States Constitution.

2. **Count II.** Identify the issue involved. Check **only one**. State additional issues in separate counts.

- | | | | |
|--|---|--|---------------------------------------|
| <input type="checkbox"/> Basic necessities | <input type="checkbox"/> Mail | <input type="checkbox"/> Access to the court | <input type="checkbox"/> Medical care |
| <input type="checkbox"/> Disciplinary proceedings | <input type="checkbox"/> Property | <input type="checkbox"/> Exercise of religion | <input type="checkbox"/> Retaliation |
| <input type="checkbox"/> Excessive force by an officer | <input type="checkbox"/> Threat to safety | <input checked="" type="checkbox"/> Other: <u>Due process clause</u> | |

3. **Supporting Facts.** State as briefly as possible the FACTS supporting Count II. Describe exactly what each Defendant did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

At all material times herein, upon information and belief, Defendants, Detective David Snow and Detective Joshua R. Mesquita, who's conduct and action or lack thereof, did deprive the plaintiff of rights, privileges, and immunitiess, guaranteed by state and federal law and state and federal Constitution. did, after committing a pretextual traffic stop on Nov, 11th 2015 at 16:45 hours, seizing the vehicle; unreasonably and searching it without probable cause, after Alleging the driver Mr. Kenneth Swindler was driving on a suspended license. The defendants failed to follow police operational procedures to impound and search the vehicle where drugs were found. Their conduct and action or lack thereof was in violation of the due process clause of the 14th Amendment of the united states constitution. Their conduct and action or lack thereof, occurred under color of state law. The defendants are sued in their individual capacity and official capacity. The defendant's never ran a records check. Their seizure of the vehicle was unreasonable as well as the seizure of the plaintiff's person and his arrest

4. **Injury.** State how you were injured by the actions or inactions of the Defendant(s).

Plaintiff was arrested at 16:45 hrs Nov, 11th 2015 and imprisoned for 2.5 yrs. losing all he had and lost of time and events with family and love ones

5. **Administrative Remedies.**

- Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? Yes No
- Did you submit a request for administrative relief on Count II? Yes No
- Did you appeal your request for relief on Count II to the highest level? Yes No
- If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. Appealed charges post conviction for relief, denied appeal two days before release from prison, no other remedie

COUNT III

1. State the constitutional or other federal civil right that was violated: 14th Amendment of the United States Constitution Due Process.

2. **Count III.** Identify the issue involved. Check **only one**. State additional issues in separate counts.

- | | | | |
|--|---|---|---------------------------------------|
| <input type="checkbox"/> Basic necessities | <input type="checkbox"/> Mail | <input type="checkbox"/> Access to the court | <input type="checkbox"/> Medical care |
| <input type="checkbox"/> Disciplinary proceedings | <input type="checkbox"/> Property | <input type="checkbox"/> Exercise of religion | <input type="checkbox"/> Retaliation |
| <input type="checkbox"/> Excessive force by an officer | <input type="checkbox"/> Threat to safety | <input checked="" type="checkbox"/> Other: <u>Ariz. A. Crim. proc. Rule 4.1.B</u> | |

3. **Supporting Facts.** State as briefly as possible the FACTS supporting Count III. Describe exactly what each Defendant did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

At all material times herein, the plaintiff was arrested without a warrant on Nov. 11th 2015, by Detective Snow, defendant #1, with the assistance of Detective, mesquite, defendant #2, defendant, Maryann McKessy, who's conduct and action or lack thereof, did deprive the plaintiff of rights privileges and immunities guaranteed by state and federal laws and state and federal constitution, when on Nov 16th 2015, at 4:05 PM did file a direct complaint against the plaintiff, 16 hours after the plaintiff's initial appearance, in violation of Rule 4.1.B. Ariz. Rules of criminal procedure. This is in violation, of the Statute of Limitation of 48 hours to file formal charges, the defendant, Ms. McKessy, without the power to act upon the charges against the plaintiff, filed formal charges against the plaintiff in violation of the 14th Amendment of the United States Constitution Due process clause, the defendant conduct and action occurred under color of state law, the defendant is sued in her individual and official capacity

4. **Injury.** State how you were injured by the actions or inactions of the Defendant(s),

the result of the defendant's action, was the plaintiff Spending time in prison, losing what little he had, and family and love ones relationships for the sentence of 2.5 yrs in prison (lost of liberty)

5. **Administrative Remedies.**

- Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? Yes No
- Did you submit a request for administrative relief on Count III? Yes No
- Did you appeal your request for relief on Count III to the highest level? Yes No
- If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. timely filed post conviction for relief(Arule 32) appeal denied two day before my release, no other remedies available

If you assert more than three Counts, answer the questions listed above for each additional Count on a separate page.

Count III

- 1.
2. Constitutional violation; 14th Amendment of the United States Constitution.
3. Issue involved: Arizona Revised Statutes; commencement of
4. Action Sec. 22-311

- 5.
6. At all material times herein, upon information and belief, the defendant, (#3) Maryann McKessy, at 4:08.^{PM}, her conduct and action
7. Did, on Nov. 16th 2015, deprived the plaintiff of, rights, privileges,
8. And immunities guaranteed by federal, and state law, and federal
9. And state constitutions, by commencing criminal action against.
10. The plaintiff Michael D. Johnson, deliberately evaded the justice
11. Of the peace, and or the magistrates, neutral and detached
12. Function when charging the plaintiff by complaint, unsworn to
13. Under oath and signed, upon information and belief, the defendant,
14. Maryann McKessy, charging complaint was not presented to a
15. Justice Court, in compliance with Arizona Rules of Criminal
16. Procedures, the defendant, exercise of government and or state
17. Power, was arbitrary, and without the power to act upon the
18. Subject matter, and or the person, because the statute of
19. Limitation to file charges, had expired, defendants, conduct and
20. Action, or lack thereof, occurred under color of state law in
21. Violation of the 14th amendment of United States Constitution
22. Due process clause, defendant sued in her individual and official capacity.
- 23.
- 24.
25. Injuries; Jailed and imprisoned for 2.5 years, emotional suffering.
26. Administrative Remedies; Released from prison, no remedies available
- 27.

Count, (5)

- 1.
2. Constitutional violation: 14th Amendment of the United States Constitution.
3. Issue involved...: Others: Due Process
- 4.
- 5.
- 6.
- 7.
8. Supporting facts:
9. At all times material herein, upon information and belief, the defendant
10. Michael K. Jeans, as, the Maricopa County Clerk of the Superior Court, on
11. Nov. 16th, at 4:08^{pm}, deprived the plaintiff of rights, privileges, and immu-
12. nities guaranteed by state and federal law and state and federal
13. Constitutions.
14. When the defendant knew or should have known that stamp filing the
15. direct complaint from defendant, Maryann McKessy, without a
16. magistrate's state seal or a magistrate's signature was in violation
17. of the 14th Amendment of the United States Constitution, the defendant's
18. failure to have in place a system that would not allow late filings
19. of complaints, denied plaintiff his due process rights.
20. The defendant's action and conduct or lack thereof occur under
21. color of state law. The defendant is sued in his individual and
22. official capacity, for accepting a charging complaint pass the Statute
23. of limitation without a magistrate stamp seal and/or signature.
24. Injuries: jailed and imprisoned for 2-5 yrs, physical and emotional pain
- 25.
26. Administrative Remedies: Released none available
- 27.

T.

Count (6)

- 1.
2. Constitutional violation; 4th Amendment of the United States Constitution
- 3.
4. Issue Involved: Illegal Seizure
- 5.

6. Supporting facts

7. At all times material, upon information and belief, The defendant
8. Maryann McKessy, on Nov. 16th 2015 at 4:08^{PM} Did file criminal
9. charges against the plaintiff, pass the statute of limitation to
10. file charges by complaint, against a person arrested without a warrant.
11. The defendant did not have the power to act upon the subject
12. matter and or the person, 116 hours after the plaintiff's initial
13. Appearance, when 16.A.A.S Rules of criminal procedure Rule 411.B
14. mandates charges shall be filed 48 hrs after the person arrested
15. Initial appearance, the defendant, did illegal seize the plaintiff
16. When criminal charges were filed against the plaintiff, passed
17. the statute of limitation to file said charges, in violation of the
18. 4th Amendment of the united states constitution Search and seizure
19. The defendant's conduct and action occurred under color of state Law
20. The defendant is sued in her individual and official capacity
- 21.

22. Injuries: Illegal deprived of my freedom for 2.5 yrs physical and emotional pain and stress
- 23.

- 24.
25. Administrative remedies: released from prison after appeal, no other remedies available, appeal was denied
- 26.
- 27.

Count(7)

1. Constitutional violation: The 14th amendment of the United States
2. Constitutional. Due process
- 3.
4. Issue involved: other, Liberty interest.
- 5.
6. Supporting facts: At all times material, and upon information and belief.
7. The plaintiff, Michael Johnson, was illegally arrested without a
8. Warrant. On Nov. 11th, 2015 at 16:45, The plaintiff's, initial appearance
9. was held, Nov. 12th at 2:00 AM. Arizona Revised Statutes, as well as
10. Arizona Rules of Criminal Procedure, mandates that a person arrested
11. without a warrant, 48 hrs. after his/her initial appearance charges
12. must be filed against the accused, the defendant, Maryann McKessy.
13. With blatant disregard for the statutory mandates of the Arizona rules
14. criminal procedures, creating a state created liberty interest by filing
15. A direct complaint 116 hrs. after the plaintiff's initial appearance.
16. The plaintiff, had an expectation and a right to be free from his restrain,
17. and confinement, or custody after 48 hrs after his initial appearance
18. if charges are not filed. The defendant's conduct and action or lack
19. thereof was in violation of 14th Amendment, liberty interest of the United
20. States Constitution due process clause. The defendant's actions occurred
21. under color of state law, defendant sued in her individual capacity and
22. official capacity.
- 23.
24. Injury, lost of freedom for 2½ years
- 25.
26. Administrative remedies, filed appeal (post conviction). Denied appeal relief, released
27. Two days later release: No other remedy available.

Count(8)

- 1.
2. Constitutional violation, 14th Amendment of the United States Constitution
3. Procedural Due process.
- 4.
5. Issue involved: Other: A.R.S. SEC. 22 - 301. Jurisdiction of
6. criminal action
7. Supporting facts

8. At all material times, upon information and belief: on or about Dec. 14th 2015, the plaintiff Michael D Johnson. Who was illegally arrested without a warrant and in custody, was taken to attend a preliminary hearing to determine probable cause, for the purpose of commencing criminal action, against the plaintiff Michael D. Johnson. The defendant, Brian Kaiser. The presiding Judge, magistrate, or pro-tem Judge, Did not have the power to act upon the subject matter, and/or upon the person charged with the crime. Pursuant to, Arizona Rules of criminal procedures, statute of limitation, if charges are not filed 48 hrs after the person arrested, initial appearance, then the person arrested shall be released and the preliminary hearing, shall be vacated. The defendant, Brian Kaiser, conduct and action or lack thereof deprived the plaintiff of rights, privileges and immunities guaranteed by federal, and state law and federal and state constitutions, the defendant's conduct and action occurred under color of state law, the defendant, is sued in his individual and official capacity. Injuries: lost of liberty for 2.5 yrs. illegally held. Administrative Remedies: none available released from prison.

(10)

Count (9)

1.

2. Constitutional violation; 14th Amendment of The United States

3. Constitution

4. ISSUE INVOLVED; Procedural due process, fundamental fairness

5.

Supporting facts:

6. AT all material times, upon information and belief, the defendant,
 7. Paul Vollmer, did deprive the plaintiff of rights, immunities
 8. and liberty, guaranteed by state and federal law, and state and
 9. federal constitutions. When the defendant failed to file a motion
 10. to release the plaintiff for failure to file charges, before, statute of
 11. limitation expired, to file charges, the defendant, action and conduct
 12. AT an illegal preliminary hearing that should of been vacated by Law,
 13. and rules of the court. The defendant, without subject matter
 14. Jurisdiction, to act upon the charges, and or the power to act
 15. Against the person, in a proceeding by rule of court, and Law,
 16. That should of been vacated, in violation of fundamental fairness
 17. of the due process clause of the 14th Amendment of the United
 18. States constitution. The defendant's conduct and action occurred
 19. under color of state law. The defendant is sued in his individual
 20. and official capacity.

21

22. Injuries; Jailed and imprison for 2.5 yrs, suffering physical
 23. and emotional pain, stress lost of time and events with family and
 24. loved ones

25. Administrative Remedies, filed appeal, Denied, two days later
 26. released from prison, no remedies available.

27.

(11)

COUNT(10)

- 1.
2. constitutional violation: 6th Amendment of the united state constitution
- 3.
- 4.
5. ISSUE involved: Ineffective assistance of counsel.
6. supporting facts
 7. On Nov 20th 2015, The plaintiff michael D Johnson: was being held in custody to fact charges in the maricopa county Justice court
 8. The defendant, Robert Duffy, a maricopa county public defender.
 9. Was appointed by the court, to represent the plaintiff at his preliminary hearing, for the charges filed Nov. 16th 2015 by defendant
 10. Maryann McKessy. The defendant, Robert Duffy, failure to file a motion for, lack of jurisdiction, and a motion for, release for failure to file a complaint. The defendant failed as an ATTORNEY, to provide effective assistance of counsel, in violation of the 6th Amendment of the united states constitution. ineffective assistance of counsel.
 11. The defendant's conduct, and action, or lack thereof, in the allowance of the procedural error in which resulted in an lawful conviction and sentence of 2.5 yrs, occurred under color of state law. defendant, sued in his individual and official capacity
 - 12.
 13. Injury: Jailed and imprisoned for 2.5 yrs physical and emotional pain
 14. Administrative Remedies; filed post conviction appeal denied. two days later released from prison. no other remedie's available
 - 15.
 - 16.
 17. (12)

Count-eleven

1

2 Constitutional violation, 14th Amendment of the United States Constitution
 3 Due process clause

4

5 Issue involved: Lack of Jurisdiction

6

7 At all material times, upon information and belief, on Dec 14th 2015, on
 8 or about, in the court room of Brian Kaiser, a hearing to determine
 9 probable cause through preliminary examination, for the purpose of
 10 commencing criminal action against the plaintiff cause #
CR2015-151971-001. was held. The defendant, Judge, Brian Kaiser,
 11 Judgement, was finding probable cause and holding the plaintiff
 12 to face criminal action in the Maricopa County Superior Court
 13 for possess/use of narcotic drugs. The defendant Joan M. Sinclair,
 14 Judge of the Superior Court presided over the pre-trial proceedings
 15 and sentencing phase against the plaintiff cause # CR2015-151971-
 16. 001. The defendant Judge, Sinclair was acting absence of all
 17 jurisdiction as to subject matter and person, pursuant to
 18. Arizona rules of criminal procedure rule 4.1.B Judge, Brian Kaiser
 19. Could not obtain subject matter jurisdiction because defendant,
 20. Ms. McKessy was time barred to file a complaint and rule 4.1.B
 21. Vacates the preliminary hearing and the person arrested shall be
 22. released. the defendant Judge, Joan M. Sinclair, held court proceedings
 23. outside any lawful authority and limits of the jurisdiction of the
 24. court and sentence the plaintiff to 2.5 yrs in prison in violation
 25. of the 14th Amendment of the United States Constitution

26.

Count twelve

- 1.
2. Constitutional Violation: 14th Amendment of the United States
3. Constitution Due process
- 4.
5. ISSUE INVOLVED: fundamental fairness
facts
- 6.
7. At all material times, upon information and belief. The defendant
8. Jacob Brown, in the court room of defendant Judge, Jean M. Sinclair
9. deprived the plaintiff of rights, privileges and immunities guaranteed
10. by state and federal law and state and federal constitution, by
11. prosecuting and convicting the plaintiff by plea offer under cause
12. # CR2015-151971-001, without any legal authority to act on the
13. charges of CR2015-151971-001 (Subject matter) or, against the
14. person the plaintiff michael Johnson. When commencement of action
15. was time barred by Arizona rules of criminal procedures rule 411.B
16. Statute of limitation, CR-2015-151971 could not exist legally.
17. The defendant Jacob Brown, offering of a plea without any
18. legal authority to do so was in violation of the due process clause
19. of the 14th Amendment of the United States Constitution. The defendant
20. didn't have the power to act upon CR-2015-151971-001, or the person
21. (Plaintiff) defendant conduct and action occurred under color of
22. State law. Defendant sued in his individual capacity
- 23.
24. Injuries; jail and imprison for 2.5 yrs
- 25.
26. Administrative remedies: filed appeal (Denied) released from prison
27. no other remedies available. (14)

Count Thirteen

- 1.
2. Constitutional Violation: 6th Amendment of the United States Constitution
3. Constitution
- 4.

5. Issue Involved: Ineffective Assistance of Counsel

Supporting facts

- 6.
7. At all material times the defendant, Brittany Lamb, was appointed to represent the plaintiff under cause # CR-2015-151971-001, which should have been vacated or dismissed for failure to file a complaint in the time frames of Statute of Limitation rule 41.1.B: rules of criminal procedures. The defendant, Ms. Lamb, failed to provide the plaintiff with effective assistance of counsel by her failure to file a motion to release the plaintiff for failure to file a complaint or a motion to release the plaintiff for lack of jurisdiction instead she advised the plaintiff to take a plea offer. The defendant's action and conduct deprived the plaintiff of his rights and liberty guaranteed by state and federal law and state and federal Constitution. The defendant conduct and action occurred under color of state law in violation of the 6th Amendment of the United States Constitution. Defendant sued in her individual capacity and official capacity.
- 8.

- 9.
10. Injuries: Jailed and imprison for 2.5 yrs. physical and emotional pain and stress
- 11.

- 12.
13. Administrative remedies: Did appeal was denied, release from prison
14. No other remedies

Count Fourteen

1
 2 Constitutional violation: 14th Amendment of the Due process clause
 3 of the United States Constitution
 4
 5 Issue Involved: Coram Non Jusice.
 6. The defendant was illegally seized by, defendants, Det. Snow and Det.
 7. Mesquite on Nov 11th 2015; The defendant ms. McKessy filed criminal charges
 8. Against the plaintiff, pass the statute of limitation to file a complaint
 9. (time Barred). The defendant Michael K Jeans, Clerk of the Court accepted
 10. the time Barred Complaint stamp filing it cause # CR 2015-151971-001
 11. on Nov 16th 2015 at 1:08 ^{pm}; The defendant, Brian Kaiser held proceeding in a
 12. Court room in Maricopa County Justice Court, holding the plaintiff to
 13. Answer the charges in The Superior court; The defendant Joan M.
 14. Sinclair held proceeding in a courtroom in the Maricopa County Superior
 15. Court, convicting the plaintiff and sentencing him to 2.5 yrs in prison
 16. by plea offer; the defendant, Jacob Brown Deputy prosecutor, for the
 17. State of Arizona, by plea offer convicted the plaintiff to 2.5 yrs in
 18. prison; The plaintiff was push through the legal system, and proceeding
 19. of Court room that were outside the presence of a Judge, the
 20. judgements and sentence passed in the court rooms of defendant
 21. Brain Kaiser, and defendant Joan m. Sinclair had no authority
 22. to try an accused or pass judgement against him. In violation of
 23. clearly established law, deprived the plaintiff of rights, immunities, and
 24. his liberty, for 2.5 yrs defendants conduct and action occurred under
 25. color of state law, defendants sued in their individual and official
 26. capacity

Continued from pg. 16

1

2 Injuries: jailed and imprison for 2.5 yrs lost of liberty physical and
3 emotional pain and suffering

4

5 Administrative remedies: filed appeal, Denied, release two days later
6 from prison no other remedies available

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E. REQUEST FOR RELIEF

State the relief you are seeking:

Compensatory damages in the amount of \$250,000 dollars against each defendant, jointly and severally.
Punitive damages in the amount of 2.5 million dollars (2,500,000) against each defendant. Any additional relief this court deems just, proper and equitable.
Jury trial on all issues triable by jury.
Plaintiff's costs in this suit
Penalties for each defendant for Violating their oath of office.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 7/24/2019
DATE

Michael D Johnson
SIGNATURE OF PLAINTIFF

N/A

(Name and title of paralegal, legal assistant, or other person who helped prepare this complaint)

N/A

(Signature of attorney, if any)

N/A

(Attorney's address & telephone number)

ADDITIONAL PAGES

All questions must be answered concisely in the proper space on the form. If you need more space, you may attach no more than fifteen additional pages. But the form must be completely filled in to the extent applicable. If you attach additional pages, be sure to identify which section of the complaint is being continued and number all pages.